

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**

**IN RE: ANGENITA SMITH**

**CHAPTER 13  
CASE NO. 21-01696 JAW**

**OBJECTION TO PROOF OF CLAIM**

COMES NOW Debtor, ANGENITA SMITH, through counsel and files her Objection to Proof of Claim filed by NS193, LLC on behalf of Statebridge Company, LLC (Claim #4-2) and in support of same would show unto the Court the following:

I.

That, Debtor filed a voluntary Chapter 13 Petition on October 11, 2021.

II.

Previously NS193, LLC on behalf of Statebridge Company, LLC filed a proof of claim (#4-1) on December 20, 2021 alleging that debtor owes \$82,011.57, and arrearage in the amount of \$50,279.50. This claim was disallowed on by this court due to NS193, LL3 failure to respond to the objection (Dkt. 33).

III.

In it's first effort to circumvent this court's ruling, Creditor NS193, LLC BY STATEBRIDGE COMPANY, LLC, SERVICING (AGENT) filed a Motion for Relief from Stay on February 24, 2023 [Dkt. #40]. After trial testimony this Motion was ultimately denied on April 21, 2023. [Dkt. # 52].

IV.

In it's second effort to circumvent this court's ruling, STATEBRIDGE COMPANY, LLC has improperly propounded discovery to the Debtor in a non-adversary proceedings. [Dkt. #54 - Interrogatories; Dkt. #55 Request for Admissions and Dkt.

#56 Request for Production of Documents]. Rules 7033, 7034 and 7036 of the Federal Rules of Bankruptcy Procedure mandate discovery may only be filed in adversary proceeding which has been filed under Rule 7001. After debtor filed her Motion to Quash, STATEBRIDGE COMPANY, LLC withdrew the discovery propounded on debtor. (Dkt # 60).

V.

Now in it's third attempt circumvent this court's ruling, STATEBRIDGE COMPANY, LLC has filed and Amended Proof of Claim without requesting leave of court. The deadline to file proof of claims expired nearly two years ago on Decmeber 20, 2021. Pursuant to [Rule 9006](#), the Court may extend the deadline for filing of a **proof of claim** "on motion made after the expiration of the specified period" if the creditor's "failure to act was the result of excusable neglect." [Fed. R. Bankr. P. 9006\(b\)\(1\)](#).

Accordingly, this claim should be barred (1) because it has been filed nearly two years late and (2) Statebridge failure to procedurally request leave to file such claim and (3) this claim has been previously barred prior times by this court.

IV.

Debtor dispute this claim for the above reasons, so therefore, this claim should be denied and debtor requests this court award sanctions by way of reasonable attorney fees for debtor responding to improperly filed Proof of Claim which has already been barred.

WHEREFORE, PREMISES CONSIDERED, Debtor prays that this be received and the Proof of Claim (#4-2) filed by NS193, LLC on behalf of Statebridge Company, LLC. be denied and that Debtor be granted any and all general relief that she may be entitled to.

Respectfully submitted,

**ANGENITA SMITH**

BY: /s/ THANDI WADE  
THANDI WADE

TATUM & WADE, PLLC  
POST OFFICE BOX 22688  
JACKSON, MS 39225-2688  
(601) 948-7770  
STATE BAR NO. 10464

**CERTIFICATE OF SERVICE**

I, THANDI WADE, do hereby certify that I have this day mailed, via electronic mail and United States Mail, postage pre-paid, a true and correct copy of the above and foregoing Objection to Proof of Claim (#1-1) to the following:

Office of the U S Trustee  
[Ustpreion05.ja.ecf@usdoj.gov](mailto:Ustpreion05.ja.ecf@usdoj.gov)

Hon. David Rawling  
Chapter 13 Trustee  
[drawlings13@ecf.epiqsystems.com](mailto:drawlings13@ecf.epiqsystems.com)

Statebridge Company  
In care of NS193, LLC  
Attn: Bankruptcy Department  
6061 S. Willow Dr. Suite 300  
Greenwood Village CO 80111

Karen Maxcy  
MCalla Raymer Leibert  
1544 Old Alabama Road  
Roswell, GA 30076  
[Karen.Maxcy@mccalla.com](mailto:Karen.Maxcy@mccalla.com)

THIS the 10<sup>th</sup> day of November, 2023.

/s/ THANDI WADE  
THANDI WADE

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**NOTICE**

YOU ARE HEREBY NOTIFIED that a written response to the attached Objection to Proof of Claim, must be filed with:

Clerk, U. S. Bankruptcy Court  
501 E. Court St., Ste. 2.300  
Jackson, MS 39201

with a copy served on the undersigned Debtor's Attorney and the Chapter 13 Trustee, on or before thirty (30) days from the date of this notice, or the Court will enter an Order which shall sustain this Objection to Proof of Claim, etc., granting the relief requested therein. In the event a written response is filed, the Court will notify you of the date, time, and place of the hearing thereon.

DATED: November 10, 2023.

CHAPTER 13 TRUSTEE:  
Hon. David C. Rawlings.  
Post Office Box 31980  
Jackson, MS 39286-1980

/s/ THANDI WADE  
THANDI WADE, MSB 10464  
Attorney for Debtor  
P.O. Box 22688  
Jackson, MS 39225-2688  
(601)948-7770